

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
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Inventor(s): Andrew Stuart OVEREND et al.)	Confirmation No. 8293
)	
Appln. No.: 10/576,766)	Group Art Unit: 1796
)	
Filed: November 13, 2006)	Examiner: Berman, S.W.
)	
Title: RADIATION-CURABLE INKS)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of July 10, 2009, reconsideration of this application is requested.

The applicants' claims have been rejected "under 35 U.S.C. 102(c) as being anticipated by or, alternatively, under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (7,135,504, having an effective filing date of 10-18-2004)." With respect, however, the applicants submit that Yamada et al. is not citable against the applicants' claims. The applicants are entitled to priority benefit of UK Application 0324749.1, filed October 23, 2003, copy of which is of record. This is prior to the effective date of Yamada et al. Accordingly, Yamada et al. cannot be cited against the applicants' claims.

For completeness, it is noted that the applicants do not understand the Examiner's comments in the last paragraph, page 2 of the action. The Yamada et al. patent is based on an international filing after November 29, 2000, i.e. PCT/JP03/05363, filed April 25, 2003. Thus, Yamada et al. qualify for consideration under Section 102(e) as amended by the AIPA amendments. Nevertheless, this does not entitle Yamada et al. to any earlier date than October 18, 2004, the date relied on by the Examiner, for reference purposes as Section 102(e), as amended, requires publication in the English

language. The Yamada et al. PCT filing was published in Japanese and does not, therefore, meet Section 102(e) requirements.

Favorable reconsideration, with allowance, is requested in view of the foregoing.

Respectfully submitted,

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